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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,824	07/20/2005	Jeremy Bruestle	391258002US1	8436

25096 7590 03/28/2007  
PERKINS COIE LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE, WA 98111-1247

EXAMINER
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LANIER, BENJAMIN E

ART UNIT	PAPER NUMBER
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2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/542,824	<b>Applicant(s)</b> BRUESTLE ET AL.	
	<b>Examiner</b> Benjamin E. Lanier	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 27-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed 19 July 2005 cancels claims 1-26 and adds claims 27-41.

Applicant's amendment has been fully considered and entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 27-29, 31, 32, 36-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Cain, U.S. Publication No. 2003/0204625. Referring to claims 27, 31, 32, 36, Cain discloses dynamic routing in a hierarchical mobile ad-hoc network wherein a request is sent from a source node to another cluster node to connect with a destination node ([0055]), which meets the limitation of a recipient computing device, and a sending computing device that sends a circuit establishment request/document thereby causing a communications circuit to be established between the sending computing device and the recipient computer device. The cluster node that receives the request forwards the request to adjacent cluster nodes in the hierarchy until the destination node is discovered ([0058]-[0060] & [0062]), which meets the limitation of dynamically calculated from the sending computing device to the recipient computing device via a set of intermediate computer devices without consulting a central administration computing device. The request includes parameters such as quality of service ([0058]), which meets the

limitation of the circuit establishment request having an indication of a desired quality of service that is enforced by each computing device in the set of intermediate computing devices.

Referring to claim 28, Cain discloses that once the path is determined, it is forwarded to the source node, which allows data to be transferred from the source node to the destination node ([0065] & [0067]), which meets the limitation of the sending computing device sends a packet to the recipient computing device using a hierarchical dynamic routing protocol.

Referring to claim 29, Cain discloses that the request includes parameters such as quality of service ([0058]), which meets the limitation of the dynamic routing protocol propagates quality of service information to each intermediate computing device.

Referring to claim 37, Cain discloses a hierarchical mesh network (Figure 3).

Referring to claims 38, 39, Cain discloses that the nodes in the network have corresponding identifiers associated with them ([0015]), which meets the limitation of each computing device of the hierarchical mesh network is identified by a name comprising a set of identifiers separated by a separator, organized in the name from specific to general.

Referring to claims 40, 41, Cain discloses that the network contains cluster leader nodes ([0058]), which meets the limitation of the hierarchical mesh network includes a meta-node, the meta-node indicates a computing device and a network of computing devices, the indicated computing device and network of computing devices representing peers in a hierarchy.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966); that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cain, U.S. Publication No. 2003/0204625, in view of Hsu, U.S. Patent No. 6,987,764. Referring to claim 30, Cain does not disclose encrypting communications. Hsu discloses a mobile data communication system wherein communications are encrypted (Col. 7, lines 36-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to encrypt the communications of Cain in order to provide a means for access control of the data communications to intended recipients as taught by Hsu (Col. 7, lines 33-41).

7. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cain, U.S. Publication No. 2003/0204625, in view of Naghian, U.S. Publication No. 2003/0235175. Referring to claims 33-35, Cain does not disclose the source node including access rights with the request message. Naghian discloses a mobile mesh ad-hoc network where each node in the network has access rights and certificates associated with it used during requests for communication ([0051]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize access rights for each node in the ad-hoc network of Cain

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in order to provide a network that provides authentication/access control at each node as taught by Naghian ([0051]).

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nordenstam, U.S. Patent No. 6,442,615

Johnson, U.S. Patent No. 6,505,254

Yuasa, U.S. Patent No. 6,085,238

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805.

The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

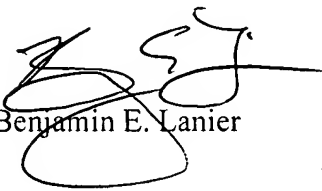
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Benjamin E. Lanier